HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No:8383 OF 2007

Dated: 04.06.2007

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Between:

1. The District Tribal welfare Officer, Karimnagar,
   Karimnagar District and another.

..Petitioners

And

K. Rukmini Devi, Hostel Welfare Officer
Grade-II, Govt. ST. Girls Hostel, Karimnagar.

..Respondent.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No:8383 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition has been filed aggrieved by the order, dated 16.11.2006 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.487 of 2005.

The respondent herein is the applicant before the tribunal.

The case of the respondent-applicant is that she was working as Hostel Welfare Officer Grade II and that she need not pass Teacher Training Certificate for being promoted as Grade I Officer as she was appointed in the year 1978 and she passed B.A. Degree, Accounts test Part I and Revenue test Part I. On her representation, The 1st petitioner issued proceedings dated 17.1.2005 rejecting her claim on the ground that she is not qualified. Questioning the said proceedings, the respondent-applicant approached the tribunal.

On the other hand, the petitioner-authorities filed their counter before the Tribunal contending that there is no provision for exemption of TTC to hold the post of Matron Grade I and that the applicant was appointed on 7.2.1978 by the District Collector due to non-availability of SGRT/TTC candidates in S.T. Community subject to fulfillment of requisite qualification.

On hearing the rival contentions, the Tribunal having observed that the applicant is eligible for promotion to the Post of Hostel Welfare Officer Grade-I, directed the petitioners herein to consider the case of the applicant for promotion to the post of Grade I officer, if she is otherwise found eligible, suitable and comes within the zone of consideration. Having aggrieved by the same, the petitioner-authorities filed the present writ petition.

Heard the learned Government Pleader for Services II and the learned Counsel for the respondent.

The learned G.P. for services-II contends that as the respondent

is not having Teacher Training Certificate qualification as required under the Rules, she is not entitled to be considered for the post of Hostel Welfare Officer Grade-I and that the Tribunal is not justified in directing to consider her case and therefore, the order of the tribunal is liable to be set aside.

On the other hand, the learned Counsel for the respondent contends that TTC is not essential for promotion to Wardens and Matrons Grade I and the respondent is qualified to hold the post of Hostel Welfare Officer Grade I and that the Tribunal has gone through identical cases of the Apex Court in this regard and therefore, the findings of the Tribunal needs no interference.

A perusal of the order impugned goes to show that as per G.O.Ms.No.176, dated 15.11.1976, Wardens and Matrons Grade II fall in category II under the method of appointment and wardens and Matrons Grade I fall in category I. One of the methods for recruitment to the post of Warden and matron Grade I is by promotion from Category II i.e., Warden and Matron Grade II. For Wardens and Matrons Grade I, the qualification for recruitment by promotion is A degree of B.A., B.Sc., or B.Com., of any University in India Established or incorporated by or under Central Act, or a State Act, or an institution recognized by the U.G.C., with at least five years of service. For Wardens and Matrons Grade II the requisite qualification is H.S.C., or S.S.L.C., or S.S.C or its equivalent with a Teacher's training certificate from a recognized Institute or a diploma awarded by the schools work Indian Council of Social work, Andhra Pradesh Branch.

Thus, the G.O. itself makes it clear that it does not require any TTC qualification.

However, the subsequent G.O.Ms.No.189 SW Department, dated 31.12.1997 makes it mandate to possess a TTC/Secondary Grade Service Training for promotion to the post of Wardens/Matron Grade I from Grade II and the said condition is stipulated as under:

"Those who are recruited as Warden/Matron Grade II prior to the issue of these rules should pass Secondary Grade Service

Training or Teachers Training Certificate."

There is no dispute as to the appointment of the applicant prior to the above G.O.Ms.No:189 and she also did not acquire any T.T.C.

But, as per G.O.No.189, the applicant has to fulfill the condition of acquiring the TTC qualification for getting promotion as Gr.I.

In the instant case, it is pertinent to note that the applicant made an application seeking for admission in the TTC Training School and the same was sent to the Director of School Education along with the letter of the District Collector requesting the Director of School Education to consider the case of the applicant for admission into the TTC training course. But, however, the respondent did not get admission into TTC training as an inservice candidate in spite of the efforts made by the Department and as such, she could not acquire the qualification as an in service candidate.

In view of G.O.Ms.No.189 which makes it mandate to possess a T.T.C Certificate for promotion to the Gr.I post, We feel that the failure to get the admission into T.T.C. Course by the applicant as an in service candidate, cannot be attributed against the Department and on such mere technicality, the tribunal is not justified in passing the order impugned by overriding the rules stipulated under G.O.Ms.No:189.

In this view of the matter, We feel that the order impugned is not in consonance with the true spirit of the G.O.Ms.No:189 and thereby, the same is liable to be set aside.

Accordingly, the Writ Petition is allowed.

However, the respondent is at liberty to make an application to the Department to exempt her from acquiring the TTC qualification, for the purpose of promotion to the post of Grade-I, within a period of one month from the date of receipt of a copy of this order. On such application, the same shall be disposed of within three months thereafter. Till such time, status quo shall be maintained in this regard.

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Justice T. Meena Kumari

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Justice S. Ananda Reddy

Date: 4th June, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No:8383 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

04/06/2007

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CIVIL REVISION PETITION No:744 OF 2005

28.1.2006